IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 2983 of 2005

Between:

N. Kishan, S/o. Vaikuntam,
Bejjur, Adilabad District.

..... PETITIONER

AND

1. The Secretary to Government, Revenue Department, Secretariat,

Hyderabad - 500 022.
2. The Special Chief Secretary and Chief Commissioner of Land Administration,

Nampally, Hyderabad.
3. The District Collector, Adilabad - 504 001.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction, more particularly one in the nature of *Writ of Certiorari* to call for the entire record in O.A. No. 2794 of 2001 on the file of the A.P. Administrative Tribunal and quashing the order dt. 03-12-2004 passed in O.A. No. 2794 of 2001 being illegal, contrary of law, unconstitutional, perverse and unreasonable and pass such other order(s) as this Hon'ble Court deems fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.CH.GANESH

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following:

ORAL ORDER: (Per Hon'ble Sri Justice G. Bikshapathy)

The writ petition is file assailing the order passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.2794 of 2001.

2. The petitioner was working as Administrative Officer, Revenue Divisional Office, Mancherial, Adilabad District and he was imposed with the punishment of stoppage of one annual grade increment with cumulative effect by the Revisional authority by an order in Memo No.58324/Ser.II (1) 2000-01, dated 24.01.2001. The said order came to be challenged in O.A.No.2794 of 2001. The learned Tribunal, after considering the relevant A.P.C.S. (CCA) Rules, 1991(hereinafter referred to as CCA Rules), came to the conclusion that the order passed by the Revisional Authority reducing the punishment cannot be said to be illegal and contrary to law, therefore, the Tribunal dismissed the said O.A. Against the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submits that no enquiry was conducted as contemplated under Rule 20 of CCA Rules and therefore, the entire order of punishment is vitiated.

4. It is true that initially the punishment was imposed without conducting enquiry and that the appellate authority set aside the punishment and directed the Disciplining Authority to conduct enquiry and thereafter, an enquiry in conformity of Rule 20 CCA was held and finally, the petitioner was imposed the punishment of deferment of 3 annual increments with cumulative effect. But, however, in the revision filed by the petitioner it was reduced to deferment of one annual grade increment with cumulative effect. The Tribunal having observed that the rules as contemplated under Rule 20 of CCA Rules was followed refused to interfere with the order. The following is extracted from the order of Tribunal:

"As it is seen that initially, the authorities have taken the steps to inflict the punishment without conducting enquiry, but the Chief Commissioner of Land Administration has rightly interfered in the matter and set aside the punishment order issued earlier, and directed the authorities to conduct de novo enquiry. As per the directions of the Chief Commissioner of Land Administration, the respondents issued the charge memo, appointed the Enquiry Officer and proceeded in accordance with Rule 20 of the A.P.C.S. (CCA) Rules, 199. If at all the applicant was aggrieved by the action of the respondents, in view of the fact that the respondents have not followed Rule 20 of the A.P.C.S. (CCA) Rules, 1991, he should have pin-pointed the same before the appellate and revisional authorities. However, the revision authority has taken into consideration the merits of the case and has clearly come to the conclusion that the applicant did not fulfill his duty as a supervisory officer, and deemed it fit to modify the punishment order, and accordingly, the earlier punishment orders are modified. Therefore, the contention of the applicant that Rule 20 of the A.P.C.S. (CCA) Rules, 1991 has not been followed, cannot be accepted.

As the applicant is a Mandal Revenue Officer, he was fully aware of the land earmarked for Mandal Revenue Officer building, and as a supervisory officer, he cannot shirk his responsibility and find fault with his subordinates.

Having regard to these facts and circumstances, this Tribunal is not inclined to interfere with the impugned orders. The O.A. is accordingly dismissed, as devoid of merits. No costs."

5. We are in agreement with the finding recorded by the Tribunal and find no reason to interfere with the order.

6. Accordingly, the writ petition is dismissed. No costs.

_____

(G. BIKSHAPATHY, J)

_____

(P.S. NARAYANA, J)

Date: 01.03.2005

Ksn

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary to Government, Revenue Department, Secretariat,

Hyderabad - 500 022.
2. The Special Chief Secretary and Chief Commissioner of Land Administration,

Nampally, Hyderabad.
3. The District Collector, Adilabad - 504 001.

4. 2 CCs to G.P. for Services-I, High Court Buildings, Hyderabad (OUT).

5. The Assistant Registrar, A.P. Administrative Tribunal, Hyderabad.

6. 2 CD copies

*Form-NIC-OGS/WP{**RLD**}*